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FETF 70625



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Clark et al.)
Appln. No.: 10/039,311)
Filed: 10/26/2001)
For: STERILIZATION OF)
PACKAGES AND THEIR)
CONTENTS USING LIGHT)
Group Art)
Unit: TBD)
Examiner: Not Yet Assigned)
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)

DECLARATION OF THOMAS F. LEBENS

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Thomas F. Lebens, declare as follows:

1. I am currently registered to practice before the United States Patent and Trademark Office. My registration number is 38,221.
2. I am presently a legal representative of Applicants in the present application.
3. I personally submitted the present application. I reviewed the application and verified the

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application was complete and included 62 pages of specification including 37 claims on pages 54 through 60. Thus, I verified that page 57 with claims 18 through 25 was included in the application as filed.

4. I filed the present application in the United States Patent and Trademark Office on October 26, 2001.

5. The present application and transmittal documents were deposited with the United States Postal Service (USPS) by "Express Mail Post Office to Addressee" in accordance with 37 C.F.R. § 1.10.

6. Attached hereto as Exhibit A is a copy of the original Express Mail Mailing Label, Express Mail Label No. EL870857741US, that accompanied the present application and transmittal documents on October 26, 2001.

7. The Express Mail Mailing Label of Exhibit A indicates the "date in" as October 26, 2001.

8. The present application and transmittal documents were deposited directly with an employee of the San Luis Obispo USPS. This employee initialed and dated the Express Mail Mailing Label with a date of October 26, 2001 and provided the Express Mail Mailing Label of Exhibit A.

9. Attached hereto as Exhibit B is a copy of the Return Receipt Postcard included with the documents

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deposited with the USPS on October 26, 2001 and as returned to Applicants from the United States Patent and Trademark Office.

10. The Return Receipt Postcard included a sticker according Application No. 10/039,311 and a filing date of October 26, 2001.

11. The Return Receipt Postcard also is labeled with Express Mail No. EL870857741US.

12. It is my standard practice to include a Return Receipt Postcard that accompanies every submission I file with the United States Patent and Trademark Office. It is my standard practice that the Return Receipt Postcard accompanying a new application clearly identify all parts being filed, e.g., the number of pages in the specification (including the written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of declaration, etc. in accordance with MPEP 503.

13. The Return Receipt Postcard of Exhibit B lists 62 sheets of Specification and 37 claims included in the submission of October 26, 2001 in accordance with MPEP 503.

14. Also attached hereto as Exhibit C is a copy of the Utility Patent Application Transmittal deposited with the USPS to be sent to the United States Patent and Trademark Office with the present application on October 26, 2001.

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15. The Transmittal of Exhibit C also is labeled with Express Mail Label No. EL870857741US and also lists 62 pages of specification.

16. In the present application, 62 pages of the specification were filed including page 57, which included claims 18 through 25.

17. It is my standard practice when determining the number of pages of the specification that should be listed on a Utility Patent Application Transmittal to review the specification and count the number of pages to ensure that every page is present in the application and verify that pages are not missing.

18. It is my standard practice, once all of the components of the submission are assembled, to begin my preliminary review of the documents, executing the documents where required. Once the documents are prepared to my satisfaction and executed by me, my assistant copies the submission as required and the pages of the Specification (including the written description, Claims and Abstract) are attached together using a staple punched into the upper left corner of these papers. The submission is then re-inventoried by my assistant and resubmitted to me as reassembled with a large binder clip used to secure the submission.

19. Finally, it is my standard practice to personally review the completed submission having been attached as described in Paragraph 18. My review includes ensuring that all of the papers listed on the

Return Receipt Postcard are present. My review also includes re-counting all of the pages to verify that the exact number of pages as listed in the Return Receipt Postcard are present. Once I have completed this review, I personally ensure that all items of the submission are placed into the Express Mail envelope and I personally seal the envelope.

20. I have generally followed this practice since my first filings with the United States Patent & Trademark Office.

21. I have specifically followed the practice described above since at least prior to the beginning of 2001. As such, I estimate that I have filed over 40 applications in accordance with this specific practice.

22. Based upon my standard practice and my personal orientation toward detail, I am certain that page 57 including claims 18 through 25 was sent with the Express Mail package labeled Express Mail Label No. EL870857741US to the United States Patent and Trademark Office on October 26, 2001.

23. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code,

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and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.



Thomas F. Lebens
Reg. No. 38,221

Dated: May 24, 2002

Attachments: Exhibit A
 Exhibit B
 Exhibit C